

**JCWSCS 0 4 MAR 2004**

1103326-0502

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Cotton et al.  
Serial No. : 10/672,936  
Filed : September 25, 2003  
For : NOVEL FORM OF S-OMEPRAZOLE  
Examiner : TBA  
Group Art Unit : 1614

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below at the facsimile number 703-308-7751.	
Andrew Fessak	48,528
Agent Name	PTO Reg. No.
<i>Andrew Fessak</i>	<i>2/6/04</i>
Signature	Date of Signature

Office of Initial Patent Examination, Customer Service Center  
Assistant Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

FACSIMILE NO: 703-308-7751  
DATE: February 6, 2004  
PAGES: 6 pages

**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

- I. Attached is a copy of the official Filing Receipt, mailed December 24, 2003, in the referenced application for which issuance of a corrected Filing Receipt is respectfully requested.
- II. There is an error with respect to the following data, which is incorrectly entered and/or omitted.

Serial No. 10/672,936, filed September 25, 2003

Docket No. 1103326-0502-CON

Page 2 of 2

**Error in****Correct data**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Applicant's name                   | 1.   |
| 2. <input type="checkbox"/> Applicant's address                | 2.   |
| 3. <input type="checkbox"/> Title                              | 3.   |
| 4. <input type="checkbox"/> Filing Date                        | 4.   |
| 5. <input type="checkbox"/> Serial Number                      | 5.   |
| 6. <input checked="" type="checkbox"/> Foreign/PCT Application | 6. Filing date of PCT/SE98/00974 should be --May 25, 1998--. |
| 7. <input type="checkbox"/> Continuing Data                    | 7.   |
| 8. <input type="checkbox"/> Attorney Docket Number             | 8.   |

III. Applicants request correction of the filing date of International Application PCT/SE98/00974 ("the PCT application") as printed on the Filing Receipt. Specifically, the filing date of the PCT application is incorrectly entered as "May 5, 1998", whereas the correct date should be "May 25, 1998". A markup copy of the Filing Receipt showing the change to be made is included with this communication.

IV. The referenced application is a continuation of U.S. Patent Application Serial No. 10/076,711, filed February 14, 2002 (the "711 application"), now US 6,677,455 (the '455 patent"), which is a division of U.S. Patent Application Serial No. 09/077,719, filed June 8, 1998 (the "'719 application"), now US 6,369,085 (the '085 patent"), which is a §371 of PCT/SE98/0097, filed May 25, 1998 (the "PCT application").

As permitted by 37 C.F.R. §1.63(d)(1)(iv), a copy of the originally executed declaration filed in the grandparent application, i.e., the '719 application, was submitted concurrently with the instant continuation application. The grandparent '719 application is a §371 of PCT/SE98/00974, filed May 25, 1998. However, by inadvertent clerical error, the PCT filing date was incorrectly provided as "May 5, 1998" in the originally executed declaration. This error was identified after issuance of the '085 patent, and it was corrected by a Certificate of Correction. A copy of the Certificate of Correction issued in the '085 patent is attached to this communication. Also attached is a copy of the first page of the published PCT application, International Publication No. WO 98/54171, which also shows the correct May 25, 1998 filing date for the PCT application.

Serial No. 10/672,936, filed September 25, 2003

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Accordingly, correction of the Filing Receipt that issued in the referenced application is respectfully requested to reflect the correct filing date for the PCT application, i.e., May 25, 1998.

V. Should any fee be deemed necessary in connection with this filing, the Assistant Commissioner is authorized to charge such fee to Deposit Account No. 23-1703.

Dated:

Feb. 6, 2004

Respectfully submitted,

Andrew Fessak

Andrew Fessak

Reg. No. 48,528

Agent for Applicants

Customer number 007470

White & Case LLP

Agent Direct Dial: (212) 819-8437

Attachment: Marked-up copy of first page of Filing Receipt (1 page)  
Copy of first page of published PCT application (WO 98/54171. 1 page)  
Copy of certificate of correction for US 6,369,085 (1 page)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/672,936	09/25/2003	1614	0.00	1103326-0502 CON.	5	5	1

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PATENT DEPARTMENT

DEC 29 2003

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CONFIRMATION NO. 9504

## FILING RECEIPT



\*OC000000111563317\*

Date Mailed: 12/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Domestic Priority data as claimed by applicant

This application is a CON of 10/076,711 02/14/2002 PAT 6,677,455  
which is a DIV of 09/077,719 06/08/1998 PAT 6,369,085  
which is a 371 of PCT/SE98/00974 05/05/1998

## Foreign Applications

SWEDEN 9702065-5 05/30/1997

If Required, Foreign Filing License Granted: 12/23/2003

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 6: <b>C07D 401/12, A61K 31/44</b>	<b>A1</b>	(11) International Publication Number: <b>WO 98/54171</b> (43) International Publication Date: <b>3 December 1998 (03.12.98)</b>
(21) International Application Number: <b>PCT/SE98/00974</b> (22) International Filing Date: <b>25 May 1998 (25.05.98)</b> (30) Priority Data: <b>9702065-5</b> <b>30 May 1997 (30.05.97)</b> <b>SE</b> (71) Applicant (for all designated States except US): <b>ASTRA AKTIEBOLAG (SE/SE); S-151 85 Södertälje (SE).</b> (72) Inventors; and (75) Inventors/Applicants (for US only): <b>COTTON, Hanna [SE/SE]; Astra Production Chemicals AB, S-151 85 Södertälje (SE). KRONSTRÖM, Anders [SE/SE]; Astra Production Chemicals AB, S-151 85 Södertälje (SE). MATTSON, Anders [SE/SE]; Astra Production Chemicals AB, S-151 85 Södertälje (SE). MÖLLER, Eva [SE/SE]; Astra Production Chemicals AB, S-151 85 Södertälje (SE).</b> (74) Agent: <b>ASTRA AKTIEBOLAG; Patent Dept., S-151 85 Södertälje (SE).</b>	(81) Designated States: <b>AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, GW, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).</b>  <b>Published</b> <i>With international search report.</i>	

(54) Title: **NOVEL FORM OF SOMEPRAZOLE**

(57) Abstract

The present invention relates to a novel form of the (-)-enantiomer of 5-methoxy-2-[[[4-methoxy-3,5-dimethyl-2-pyridinyl]-methyl]sulfinyl]-1H-benzimidazole, i.e. S-omeprazole. More specifically, it relates to a novel form of the magnesium salt of the S-enantiomer of omeprazole trihydrate. The present invention also relates to processes for preparing such a form of the magnesium salt of S-omeprazole and pharmaceutical compositions containing it. Furthermore, the present invention also relates to new intermediates used in the process.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,369,085 B1  
DATED : April 9, 2002  
INVENTOR(S) : Cotton et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [22] PCT Filed, delete "May 5, 1998" and insert therefor -- May 25, 1998 --.

Column 10,

Line 42, insert -- of -- after "S-omeprazole".



Signed and Sealed this  
Eighth Day of April, 2003

A handwritten signature in black ink, which appears to read "James E. Rogan", is written over a horizontal line.

JAMES E. ROGAN  
*Director of the United States Patent and Trademark Office*